

EXHIBIT D

Jeremy Roller

From: Josephine Kim <JOSKIM@sternekessler.com>
Sent: Tuesday, May 14, 2024 4:56 PM
To: Jeremy Roller; shm
Cc: Alex Alfano; chen@shm.law; ELVIE-MOMCOZY-DJ; walters@lowegrahamjones.com; YANG Qianwu; shm
Subject: RE: Shenzhen Root Technology Co., Ltd., et al. v. Chiaro Technology Ltd. -- Case Scheduling

Jeremy,

As previously discussed, we do not agree with the extent of Momcozy's scheduling expansion, and Momcozy's latest proposal adjusting its proposed dates by one week does not change Elvie's position. Momcozy's proposed schedule would disturb all the deadlines in the case, including the claim construction hearing and trial dates. We have already explained to you and to the Court Elvie's concerns with such a wholesale extension of the case schedule. See DN 109 at 5. In short, Elvie has no guarantee it can collect on a judgment should it succeed at trial, and in the meantime Momcozy will continue to sell its accused products for the duration of the case. We have also explained that Elvie would be open to a generous extension of the case schedule if Momcozy would agree to post a bond for the additional damages that would accrue in those additional months. We have not received Momcozy's response to this proposal from April 2, 2024.

Absent such agreement, in Elvie's view, the parties should address discrete scheduling issues as they arise rather than changing the entire case schedule wholesale. For example, we see no reason to change the date for the claim construction hearing given that it is still 7 months away. Elvie provides its proposed revised schedule below. This schedule reorders some claim construction deadlines to comply with the local rules and provides Momcozy an additional week to provide its non-infringement and invalidity contentions after receipt of Elvie's contentions.

Thank you for confirming (via Wu's email at 7:03PM ET today) that Momcozy will agree to accept service on behalf of Xitao. We understand the current deadline for Momcozy to respond to Elvie's amended counterclaims is **tomorrow**. Given this, we can agree to a two-week extension for Momcozy's answer provided that Momcozy agrees not to oppose our motion for leave to amend as to Root Technology. Momcozy's requested 60-day extension is unreasonable particularly because Momcozy has had our filed amended counterclaims for two weeks and our proposed amended counterclaims for two months. And while Elvie has been cooperative with extensions in the past, Momcozy cited that cooperation as a reason to oppose Elvie's motion for leave to amend. DN 108. Therefore, we will agree to a 14-day extension as discussed above in order to avoid motions practice and because Momcozy has agreed to accept service on behalf of Xitao. However, as we've explained to Momcozy previously, going forward Elvie is not willing to agree to extensions except in unforeseeable or emergency situations.

Please let us know as soon as possible whether Momcozy agrees with our proposals, and if so, please send us a draft motion to extend the deadline to answer Elvie's amended counterclaims.

Events Up To Claim Construction	Current Schedule	Momcozy's Proposal (in blue)	Elvie's Proposal
JURY TRIAL DATE	September 2, 2025, at 01:30 pm	To be set by the Court	September 2, 2025, at 01:30pm
Length of Trial	10 days	10 days	10 days
Preliminary infringement contentions and disclosure of asserted claims	June 10, 2024	July 25, 2024	May 31, 2024

Disclosure of preliminary non-infringement and invalidity contentions	July 1, 2024	August 29, 2024	July 1, 2024
Exchange of Proposed Terms and Claim Elements for Construction	n/a	September 19, 2024	July 22, 2024
Preliminary Claim Chart Exchange of Preliminary Claim Constructions and Extrinsic Evidence	September 9, 2024	October 18, 2024	August 7, 2024
Joint claim- chart -construction and Prehearing Statement	October 3, 2024	December 4, 2024	September 16, 2024
Opening expert disclosures for claim construction	July 29, 2024	December 4, 2024	August 28, 2024
Rebuttal expert disclosures for claim construction	August 23, 2024	January 3, 2025	September 20, 2024
Completion of claim construction discovery		January 30, 2025	October 21, 2024
Opening claim construction briefs	October 28, 2024	February 6, 2025	No change
Responsive claim construction briefs	November 12, 2024	February 21, 2025	No change
Claim construction hearing	December 16, 2024	To be set by the Court	No change
Claim construction order		When issued by the Court	

Regards,
Josephine

Josephine Kim

Director

Sterne, Kessler, Goldstein & Fox P.L.L.C.

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From: Jeremy Roller <jroller@aretelaw.com>

Sent: Friday, May 10, 2024 10:22 PM

To: shm <ShmMomcozy@shm.law>; Josephine Kim <JOSKIM@sternekessler.com>

Cc: Alex Alfano <aalfano@sternekessler.com>; chen@shm.law; ELVIE-MOMCOZY-DJ <ELVIE-MOMCOZY-DJ@sternekessler.com>; walters@lowegrahamjones.com; YANG Qianwu <yang@shm.law>; shm <ShmMomcozy@shm.law>

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EXTERNAL EMAIL: Use caution before clicking links or attachments.

Josephine,

We are writing to follow-up on the Court's Order Granting Motion to Amend Counterclaims and modifications to the case schedule necessitated by the amendment. We've discussed in our opposition to the motion to amend and in conferences between counsel the reasons we believe some modifications to the case schedule are necessary. I won't repeat those here, but rather go right to our proposal.

Wu sent a proposed modified schedule to you on April 9. In one of our conferences after that date, I suggested that we might have some flexibility on those dates. In hopes of resolving this by agreement, Momcozy proposes moving up the

deadlines by a week from what we had proposed on April 9. Revised proposed dates are set forth below (along with the current schedule). As discussed in our prior conference, we suggest that the trial date be set after the Court issues its claim construction order, as Judge Evanson has done in the only other patent case in which she has issued a scheduling order that we could fine (at least as of a few weeks ago).

If Elvie agrees to these schedule modifications, Momcozy will authorize us to accept service of the summons and counterclaim on behalf of the new defendant, Shenzhen Xitao Network Technology Co. Ltd. Additionally, subject to Elvie's agreement to these schedule modifications, Momcozy will stipulate to Elvie's further amendment of its counterclaims to add Root Technology Ltd. and Momcozy will consent to us accepting service of a summons and counterclaim on behalf of Root Technology. We further suggest that the Momcozy entities (including the existing entities and the newly added Xitao party) be permitted 60 days from our agreement to answer the counterclaims.

Here is the revised proposed schedule:

Events Up To Claim Construction	Current Schedule	Proposed Modification (in blue)
JURY TRIAL DATE	September 2, 2025, at 01:30 pm	To be set by the Court
Length of Trial	10 days	10 days
Preliminary infringement contentions and disclosure of asserted claims	June 10, 2024	July 25, 2024
Disclosure of preliminary non-infringement and invalidity contentions	July 1, 2024	August 29, 2024
Exchange of Proposed Terms and Claim Elements for Construction	n/a	September 19, 2024
Preliminary Claim Chart Exchange of Preliminary Claim Constructions and Extrinsic Evidence	September 9, 2024	October 18, 2024
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Responsive claim construction briefs	November 12, 2024	February 21, 2025
Claim construction hearing	December 16, 2024	To be set by the Court
Claim construction order		When issued by the Court

Please let us know if this is acceptable to Elvie. If it is, we will prepare a stipulated motion and order for your review. Thank you.

Jeremy

Jeremy Roller



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